G. R. S. 58]

Previous references.

Govt of India no: 1076 of 17-2-1875

File No. [redacted]

1911.

Serial Nos. 1–4

(Courts)

Later references.

Jud Dep 684 of 11-12

Ls 67-29 (8·31 32 43)

GENERAL AND REVENUE SECRETARIAT.

Confdl 14/11

Serial Nos. 1–4

Part B for October 1911

SUBJECT.

Judicial deposits of minors to be kept in the Savings Banks.

To 1) The Comptroller -
1) 2) The Registrar, H. Court - } no: J 3107-08 of 13.5.11
invite their opinion -

From
2) The Comptroller } no: 7274/A 6858 of 1.6.11

3) From The Registrar - no: 5-472/361 of 29.6.11
forwards their opinion in the matter

To 1) The Registrar 2) The Comptroller 3) D.C. Tumkur for
4) to the Rt member concerned 4) the D.Cs of Districts -

GPB—5,000—22-10-10 no: J./232-41 of 24.10.11

directs the receipt of the deposits in question, on cert
conditions -

R. A. 50-10

G.R.S. 11] 190–11

GENERAL AND REVENUE SECRETARIAT.

(Courts.)

NOTES.

Ct. File No. 260-10.

FILE HEADING.

Judicial Deposits of minors to be kept in the Savings Banks

From

No.	Dated	Received

Diary No.	Enclos.	Spare Copies	Serial No.

SUBJECT No. 50.

Judicial deposits and minors.

Mr. Singri Nanjappa, Tumkur District Board.

Summary of discussion.—Amounts decreed in civil courts on behalf of minors are kept in judicial deposit and for some reason or other it so happens that it cannot be claimed for a long time. It is urged that in such cases the amounts may be transferred to the accounts of the State Savings Bank and interest allowed on the deposit for the benefit of the minors concerned.

Reply of Government.—Will be considered in consultation with the Chief Court and the Financial Department.

NOTES AND ORDERS.

Submitted with a draft to the Chief Court and the Comptr to Govt.

H.C.S. (122) 6-5-1911 SW(11)

16/5 1 To the Comptr to Govt 9/5/11

" Registrar, Chief Court

N° J. 3107-08 & 13/5/11.

Invites the opinion of the Chief Court & Comptroller

NOTES—First sheet

GPB—15,000—24-4-09.

CS File No. 266 of 190 – 11

2

Serial No.	
2.	From the Comptroller (through) No 7274 A.C. 898 dy 18th June 1911 – States that the receipt of Judicial deposits in British Government Savings Bank and in the Post Office Savings Bank is generally prohibited, it is allowed in Special cases and that the Judicial Deposits of minors may be kept in Government Savings Bank, if the presiding Judge of the Court so directs –
3.	From the Registrar, Chief Court, No 5472/341 dy 29th June 1911 – States that the Judges are of opinion that the amounts decreed on behalf of minors may be kept in the Govt Savings Bank if there is no objection on financial grounds –
3	Submitted for orders –
AS (64) 6-7-11	SW(11) 5/7 4 [Please put up a Copy of the Savings Bank Act & Rules – regd to by the Financial Secy – also the G. of I. Notifn regd to by him] 5/7/11.
5	Put up draft in accordance with the views of the Comptroller 6/7/11.
CS 6/7/11.	

NOTE—Contn. sheet.

GPB—55,000—27-4-09

G. R. S. 12]
General and Revenue Secretariat.

Cf File No. 260 of 1910-11

Serial No.

6 Draft Submitted.
Hcs (22) SII / 7 Please revise the draft as indicated therein by adopting the language of the Comptroller's letter
10.7.1911. SH
10/7/11.

8 Submitted with revised draft.
Hcs (22) SII (11) /
11.7.11.

9 Draft may be appd
11/7/11. SH

See 10 Is the India Acty of 1875 in force in Mysore - If so does it find a place in the rules re Mysore Govt-S. Banks?

CSS
7/8/11

11 Lo Bs II for kindly noting the information
SH
7/8/11

71 Mis 170 7/8

NOTE—Contn. sheet.

GPB—50,000—12-8-10

110

Serial No.

12 In 1875. Mysore was under the Govt of India and so the Notification ~~in ques~~ referred to may perhaps be taken to be in force in Mysore. 2-X.

(1) 170 Both 13 will verify whether this Notification was "applied to Mysore" by the Govt of India

(2) This by itself will not do Sd

14 The words: or by officers ---- " in rule 11 of the Govt Savings Bank rules seem to ~~Govt~~ cover cases of judicial deposits also. There is however no specific rule in the Savings Bank Rules.

Sub[d] for orders

N-36
8/8/1911

15 The Notification should be considered as being in force but the rule has not been adopted ~~that~~ in the Savings bank rules. This will now have to be introduced for which purpose the file may be transmitted after the draft order is issued.

Sd
11.8.11

Sub[d]

SN(11)
11-8-11

16 Please see marginal note

Sd
11/8/11

17 Submitted

The Mysore Gazette for 1875 was carefully gone through. There is no other note extending the note referred to above to Mysore. But the wording of some other

NOTE—Contn. sheet.

Serial No.

Plog X

Notifications in the Gazette for example
order No 210 & 26/4/11 contained in page 150
Part-I of Gazette & 22/5/75 - Lands to
show that this is intended to ~~be~~ be
applied ~~to~~ this state also. Moreover
the ~~Not~~ Notification under reference
is only an order interpreting the scope
of the provisions contained in the
Government Savings Banks Act and
therefore, it is submitted, cannot be
taken ~~as~~ as introducing any new
rule under the Act.

cls (5-8) SW(11)
12/8/11 14/8

16 The Govt of India order no 1076
dated 17th Feb' 1875 is a Circular letter
addressed primarily to the Chief Secretary to the Govt of
Bombay. Copies were sent to the other
Administrations and the Accountants General
for guidance. It is not exactly a
notification under any provision of the Savings
Banks Act.

15 ~~It was forwarded to the~~
References are not available as to find
out whether the order was Communicated to the
Ch. Comm. of Ports also thro' the Foreign
Department of the Govt of India. In any

NOTE—Contn. sheet.

GPB—50,000—12-8-10

Serial No.

than Event, there seems to be no legal objection to issue the proposed order and make a corresponding change in the Savings Bank Rules

18/8/11.

See 7)

10 The wording of paras 1 & 2 of the Indian note of 1875 may be adopted as far as possible

Please put up draft accordingly

CSS

13/9/11

put up revised draft

SLT

10/9/11

ab

21

Revised Draft Subd.

SA-157. SN(11)

16-9-11

18/9

22 Put up an alternative draft also as previously instructed.

SLT

ab 23

Draft Subd

19/9/11

ACS-122 SN(11)

20-9-11

24 The new draft is wider in its scope than the old one which was restricted to deposits belonging to minors.

NOTE—Contn. sheet.

GPB—50,000—12-8-10

Serial No.

25 If, as proposed, a discretion is to be given to the judges of the Civil Courts in the matter, then some departmental instructions as to how the discretion may be exercised may be necessary.

Submitted

29/9/11

Sd

Sec'y 26 The draft may be approved

2nd Sec'y

cbs
21/9/11

Sd
21/9/11

27 I agree

Dewan

28/9/11

13825
30.9.11

26

Draft altered and approved by Dewan. Vide sheet pinned on.

Sd
3.10.11

24 Issue

Submitted for Dewan

cbs
5/10/11

Sd
5/10/11

Note—Contn. sheet.

GPB—50,000—12-8-10

G. R. S. 12]
General and Revenue Secretariat.

C5 File No. 260 of 1911

Serial No.	
4	To the Registrar, Chief Court, Comptroller, D.C. Jullundur for communication to the R.A. members concerned and the D.C's of other Districts. J/1232-41 dated 26th October 1911.

States that Govt, as a rule, do not allow interest on judicial deposits and directs that, if in any case of a judicial deposit of money belonging to a minor, the Court making the deposit desires that it should be invested in the Govt Savings Bank, it be received and the usual interest thereon allowed, the deposit being subject in all respects to the rules and limitations applicable to Savings Bank deposits in general.

B Rec
31/10/11

NOTE—Contn. sheet.

GPB—50,000—12-8-10

G.R.S. 26]

C+ File No. 26-0/10

Serial No. 1

Diary No. of letter replied to

No. J 3107-8.

General and Revenue Secretariat
(C5)
, *the* 19 .

To (1) The Registrar Chief Court of Mysore

(2) Comptr to Govt

Date of issue 13-5-4

Signed by Mr S Srinivasaiya

Sir,

I am directed to invite your attention to Subject N 50 of the Proceedings of the Representative Assembly of 1910, and the reply of Govt thereto in the matter of holding certain deposits of minors in the State Savings Bank accounts

over.

SUBJECT.

and allowing interest 2
on it. And to request him
~~has the honor to~~
~~request him~~ to be so good
as to favour Govt with
(1) the opinion of the Chief Court
(2) ~~his~~ opinion.
in the matter at an early Date.

B.O.

Sd

for Secy.

SM

Dbt
Sec (Lrr)
6-5-11.

List of enclosures,

Copied by

Examined by SM

GPB—20,000—23-9-10

3

It is requested that in future communications on the subject, the No. and date of this letter, and the distinguishing letters below the number as given opposite, may be quoted and addressed to the Comptroller, Mysore Government.

III/16 V/ C.S. 16

No. 7274 A.C. 898.

OFFICE OF THE COMPTROLLER, MYSORE GOVERNMENT,

Dated Bangalore, the May 19 11. 1st June 1911.

FROM

J. S. CHAKRAVARTI, ESQ., M.A.,
F.R.A.S., etc.,
Comptroller to the Government of
His Highness the Maharaja of Mysore.

To

C. S. Balasundaram Iyer Esq., B.A.,

Offg: *Secretary to the Government of Mysore,*

General and Revenue *Departments.*

SIR,

Adverting to your letter No.J.3107/Cts.260-10-1 dated 13th May 1911, calling for my opinion in the matter of investing in the State Saving Bank the amounts decreed in Civil Courts on behalf of minors and kept in Judicial Deposits, I have the honor to state that the Government of India Notification No.1076 dated 17th February 1875 prohibits the receipt generally of Judicial Deposits in Government Savings Banks, but permits it in the case of those specially ordered by competent authority.

The above principle has also been embodied in Note 2 to Section 43 of the Rules for the guidance of Depositors in Post Office Saving Bank. There is, therefore, no absolute prohibition against the receipt of such deposits in Savings Banks. In fact, such deposits are being received in Government Savings Banks.

I, therefore, think that the Judicial Deposits belonging to minors may, if the ~~the~~ presiding Judge of the Court so directs, be kept in Government Savings Bank and interest allowed therefor.

But

Rec.—Gl. 17]

.....Department.

19

FROM

J. S. CHAKRAVARTI, ESQ., M.A.,
F.R.A.S., etc.,
Comptroller to the Govt. of
H. H. the Maharaja of Mysore.

To

.....ESQ.,

Secretary to the Govt. of Mysore,
Genl + Rev. .....*Dept.*

Dated

Despatched 1st June

Received

No. 7274/898

Subject matter.

Stating that the Govt of India Notification No. 1076 dated 17. 2-1875 prohibits the receipt generally of Govt deposits in Govt. Sub Banks

But they should be held therein subject in every respect to the rules and limitations which govern ordinary private accounts.

I have the honor to be,

Sir,

Your most obedient servant,

J S Chakravarti

Comptroller.

V.S.

S.A.M.

No. 5472
341

5

BANGALORE,
29th June 1911.
30a

From,

V.A. Rajaratna Mudaliar, Esquire,
Registrar of the Chief Court of Mysore.

To,

The Secretary to Government of Mysore,
General and Revenue Departments.

Sir,

Adverting to your letter No. J. 3107-8/cts, 260-10-1, dated the 13th May 1911, in re subject No. 50 of the Proceedings of the Representative Assembly of 1910, I am directed to state that the Judges of the Chief Court are of opinion that the proposal made by the Representative Member to the effect that amounts decreed in Civil Courts on behalf of minors should be lodged in the State Savings Bank instead of being kept in judicial deposit may, if the Government see no objection on financial grounds, be given effect to, although there may not be many cases to which it can be made applicable.

I have the honor to be,
Sir,
Your most obedient servant,

Rajaratnam

A.V.

REGISTRAR.

119.

G.R.S. 28.]

6

Maharaja's

Cls File No. 260-10

Serial No. 4

1240

Diary No. of letter replied to Draft for appl

Proceedings of the Government of His Highness the Maharaja of Mysore.

GENERAL AND REVENUE SECRETARIAT.

( )

, *the* 19

Date of issue

Signed by

READ— Subject No 50 of the Progs of the Representative Assembly of 1910 and the reply of Govt thereto, in the matter of allowing the

ORDER THEREON.—NO.

amounts decreed in Civil Courts on behalf of minors and kept in judicial deposits, to be invested in the State Savings Bank

over

SUBJECT.

GPB—10,000—19-4-10

(2) Letter N 7274/Ac. 898 dated the 18th June 1911, from the Compr to Govt, furnishing his opinion in the matter.

(3) Letter N 5472/341 dated the 29th June 1911 from the Registrar of the Chief Court of Mysore, on the same subject.

Order thereon. N:-

It is observed that the Govt of India Notification N° 1076 dated the 17th February 1875, prohibits the receipt generally of Judicial deposits in Govt Savings Banks, but allows it in the case of those specially ordered by Competent authority. There is therefore no absolute prohibition against the receipt of such deposits in Savings Banks. In fact such

(Action pursuant to letter dated 29th June 1911 from the Registrar of the Chief Court of Mysore)

J 1232-41 / CS-260-10-4 & 24-10-11.

Govt as a rule does not
Order interest on just
Deposits - If however in
any case of a just deposit
of money belonging to a minor
the Court Making the deposit
desires that it shall be
invested in the Savings
Bank, the Govt are pleased
to direct that interest thereon be
allowed the deposit
being subject in all respects

Lt. Nelson Armistead
Aide-de-Camp U.S.A.
Headquarters

G.R.S. 27]

GENERAL AND REVENUE SECRETARIAT.

(*Continuation Sheet draft form.*)

Order thereon

It is not contemplated ~~by Govt to allow~~ that interest, ~~as a general rule~~, should be allowed on judicial deposits ~~invested or received in a Govt Savings Bank~~ Banks of however, a Court of Justice, ~~empowered by law to order~~ making ~~it~~ the investment of such deposits ~~at interest in any particular case~~, direct ~~such~~ investment, the amount so ordered to be ~~thus~~ invested may, under the orders of the Court, be received into a Govt Savings Bank ~~and~~ and the usual interest allowed ~~upon Savings Banks' deposits~~, ~~and~~ subject in every respect to the rules and limitations which govern such deposits

Especially those belonging to minors

in the Post Savings Bank,

GPB—10,000—22-2-11

deposito

For Secy

To SW(III)

The Registrar, Chief Cmb

" Comptr to Govt

" Dy. Commr. Tumkur &c

for Communication to

the R.H. members concerned

Dy. Comrs. of Thiss &c

(C/py to Daivara Section)

30/11

DFC

AC2-122

20-9-11

C/Std 18/9 20/10

10 S.No. 4.

Proceedings of the Government of His Highness the Maharaja of Mysore.

Imperial Copy

R e a d :-

Subject No. 50 of the Proceedings of the Representative Assembly of 1910 and the reply of Government thereto in the matter of allowing the amounts decreed in Civil Courts on behalf of minors and kept in Judicial deposits, to be invested in the State Savings Bank.

2. Letter No. 7274/A.C. 898 dated the 1st June 1911 from the Comptroller to Government furnishing his opinion in the matter.

3. Letter No. 5472/341 dated the 29th June 1911 from the Registrar of the Chief Court of Mysore, on the same subject.

Order thereon :- No. J/232-41/C&S 260-10-4

Dated 24th October 1911.

Government, as a rule, do not allow interest on Judicial deposits. If, however, in any case of a Judicial deposit of money belonging to a minor, the Court making the deposit desires that it should be invested in the Government Savings Bank, the Government are pleased to direct that it be received and the usual interest thereon be allowed, the deposit being subject in all respects to the rules and limitations applicable to Savings Bank deposits in general.

S Shivaramaiya
For Offg Secretary to Government.

SW

To

The Registrar, Chief Court of Mysore.

The Comptroller to Government.

The Deputy Commissioner, Tumkur District, for communication to the Representative Assembly Members concerned.

Deputy Commissioners of other Districts.

B.V.